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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,968	07/13/2001	Gregory G. Germino	JHU1680-2	3795

7590

02/04/2003

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EXAMINER

SAKELARIS, SALLY A

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 02/04/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1634

Response to Amendment

The reply filed on 11/26/2002 is not fully responsive to the prior Office Action because of the following omission: Applicant responded: "Applicant elects with traverse the species, primers SEQ ID NOS: 3 and 4, nested primer pair SEQ ID NOS: 19 and 20, **polynucleotides containing PDK1 mutations located in regions amplified by said nested primers**, the methods of detecting this **specific region with these specific nested primer pairs** and kit containing these same primer pairs to amplify **said specific region**". Applicant elects SEQ ID NOS 3 and 4 to amplify SEQ ID NO:1's EXON T1 at nucleotides 2043 to 4209, and SEQ ID NOS 19 and 20 as nested primers to amplify an approximately 328 bp fragment within the 2043 to 4209 range at specifically, nucleotides 3334(SEQ ID NO:19) to 3660(SEQ ID NO:20) of SEQ ID NO:1. From the specification, 4 mutations are taught to comprise those of the invention being present within the 2043-4290 nucleotide(nt) span: nucleotide 3110, wherein nt 3110 is a C; nucleotide 3336, wherein nt 3336 is deleted; nucleotide 3707, wherein 3707 is an A; and nucleotide 4168, wherein nt 4168 is a T. Applicant failed to elect, in their words, **"polynucleotides containing PDK1 mutations located in regions amplified by said nested primers...specific region with these specific nested primer pairs** and kit containing these same primer pairs to amplify **said specific region**" or more simply, the nucleotide sequence of SEQ ID NO:1, containing the mutation that is amplified by their elected primers. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer,

Art Unit: 1634

within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant should note that arguments in response to examiner's restriction requirement will be provided when the Applicant's reply is made fully responsive.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Sally Sakelaris whose telephone number is (703) 306-0284. The examiner can normally be reached on Monday-Thursday from 7:30AM-5:00PM and Friday from 1:00PM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W.Gary Jones, can be reached on (703)308-1152. The fax number for the Technology Center is (703)305-3014 or (703)305-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to Chantae Dessau whose telephone number is (703)605-1237.

Sally Sakelaris


1/30/2003


CARLA J. MYERS
PRIMARY EXAMINER